

As Re-reported by the Senate Rules and Reference Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 470

Representative Schuring

Cosponsors: Representatives Bishoff, Brown, Johnson, T., Anielski, Antonio, Arndt, Baker, Barnes, Boyd, Craig, Curtin, Derickson, Dovilla, Grossman, Hambley, Lepore-Hagan, McClain, O'Brien, M., Patterson, Ramos, Rezabek, Rogers, Scherer, Sears, Slesnick, Sweeney, Young

Senators Cafaro, Brown, Tavares

A BILL

To amend sections 2929.14, 3702.511, 3702.53, and 1
3795.03 and to enact sections 3702.512, 3727.70, 2
3727.71, 3727.72, 3727.73, 3727.74, 3727.75, 3
3727.76, 3727.77, 3727.78, 3727.79, and 3795.04 4
of the Revised Code to establish an exemption 5
from the requirement that a certificate of need 6
be obtained for certain projects regarding 7
palliative care, to establish requirements for 8
hospital after-care and discharge planning, to 9
prohibit assisting suicide, and to require the 10
development of recommendations concerning the 11
operation of memory care units. 12

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

Section 1. That sections 2929.14, 3702.511, 3702.53, and 13
3795.03 be amended and sections 3702.512, 3727.70, 3727.71, 14

3727.72, 3727.73, 3727.74, 3727.75, 3727.76, 3727.77, 3727.78, 15
3727.79, and 3795.04 of the Revised Code be enacted to read as 16
follows: 17

Sec. 2929.14. (A) Except as provided in division (B)(1), 18
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (E), 19
(G), (H), (J), or (K) of this section or in division (D)(6) of 20
section 2919.25 of the Revised Code and except in relation to an 21
offense for which a sentence of death or life imprisonment is to 22
be imposed, if the court imposing a sentence upon an offender 23
for a felony elects or is required to impose a prison term on 24
the offender pursuant to this chapter, the court shall impose a 25
definite prison term that shall be one of the following: 26

(1) For a felony of the first degree, the prison term 27
shall be three, four, five, six, seven, eight, nine, ten, or 28
eleven years. 29

(2) For a felony of the second degree, the prison term 30
shall be two, three, four, five, six, seven, or eight years. 31

(3) (a) For a felony of the third degree that is a 32
violation of section 2903.06, 2903.08, 2907.03, 2907.04, ~~or~~ 33
2907.05, or 3795.04 of the Revised Code or that is a violation 34
of section 2911.02 or 2911.12 of the Revised Code if the 35
offender previously has been convicted of or pleaded guilty in 36
two or more separate proceedings to two or more violations of 37
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 38
Code, the prison term shall be twelve, eighteen, twenty-four, 39
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 40
months. 41

(b) For a felony of the third degree that is not an 42
offense for which division (A)(3)(a) of this section applies, 43

the prison term shall be nine, twelve, eighteen, twenty-four, 44
thirty, or thirty-six months. 45

(4) For a felony of the fourth degree, the prison term 46
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 47
fourteen, fifteen, sixteen, seventeen, or eighteen months. 48

(5) For a felony of the fifth degree, the prison term 49
shall be six, seven, eight, nine, ten, eleven, or twelve months. 50

(B) (1) (a) Except as provided in division (B) (1) (e) of this 51
section, if an offender who is convicted of or pleads guilty to 52
a felony also is convicted of or pleads guilty to a 53
specification of the type described in section 2941.141, 54
2941.144, or 2941.145 of the Revised Code, the court shall 55
impose on the offender one of the following prison terms: 56

(i) A prison term of six years if the specification is of 57
the type described in division (A) of section 2941.144 of the 58
Revised Code that charges the offender with having a firearm 59
that is an automatic firearm or that was equipped with a firearm 60
muffler or suppressor on or about the offender's person or under 61
the offender's control while committing the offense; 62

(ii) A prison term of three years if the specification is 63
of the type described in division (A) of section 2941.145 of the 64
Revised Code that charges the offender with having a firearm on 65
or about the offender's person or under the offender's control 66
while committing the offense and displaying the firearm, 67
brandishing the firearm, indicating that the offender possessed 68
the firearm, or using it to facilitate the offense; 69

(iii) A prison term of one year if the specification is of 70
the type described in division (A) of section 2941.141 of the 71
Revised Code that charges the offender with having a firearm on 72

or about the offender's person or under the offender's control 73
while committing the offense; 74

(iv) A prison term of nine years if the specification is 75
of the type described in division (D) of section 2941.144 of the 76
Revised Code that charges the offender with having a firearm 77
that is an automatic firearm or that was equipped with a firearm 78
muffler or suppressor on or about the offender's person or under 79
the offender's control while committing the offense and 80
specifies that the offender previously has been convicted of or 81
pleaded guilty to a specification of the type described in 82
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 83
the Revised Code; 84

(v) A prison term of fifty-four months if the 85
specification is of the type described in division (D) of 86
section 2941.145 of the Revised Code that charges the offender 87
with having a firearm on or about the offender's person or under 88
the offender's control while committing the offense and 89
displaying the firearm, brandishing the firearm, indicating that 90
the offender possessed the firearm, or using the firearm to 91
facilitate the offense and that the offender previously has been 92
convicted of or pleaded guilty to a specification of the type 93
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 94
2941.1412 of the Revised Code; 95

(vi) A prison term of eighteen months if the specification 96
is of the type described in division (D) of section 2941.141 of 97
the Revised Code that charges the offender with having a firearm 98
on or about the offender's person or under the offender's 99
control while committing the offense and that the offender 100
previously has been convicted of or pleaded guilty to a 101
specification of the type described in section 2941.141, 102

2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 103

(b) If a court imposes a prison term on an offender under 104
division (B)(1)(a) of this section, the prison term shall not be 105
reduced pursuant to section 2967.19, section 2929.20, section 106
2967.193, or any other provision of Chapter 2967. or Chapter 107
5120. of the Revised Code. Except as provided in division (B)(1) 108
(g) of this section, a court shall not impose more than one 109
prison term on an offender under division (B)(1)(a) of this 110
section for felonies committed as part of the same act or 111
transaction. 112

(c)(i) Except as provided in division (B)(1)(e) of this 113
section, if an offender who is convicted of or pleads guilty to 114
a violation of section 2923.161 of the Revised Code or to a 115
felony that includes, as an essential element, purposely or 116
knowingly causing or attempting to cause the death of or 117
physical harm to another, also is convicted of or pleads guilty 118
to a specification of the type described in division (A) of 119
section 2941.146 of the Revised Code that charges the offender 120
with committing the offense by discharging a firearm from a 121
motor vehicle other than a manufactured home, the court, after 122
imposing a prison term on the offender for the violation of 123
section 2923.161 of the Revised Code or for the other felony 124
offense under division (A), (B)(2), or (B)(3) of this section, 125
shall impose an additional prison term of five years upon the 126
offender that shall not be reduced pursuant to section 2929.20, 127
section 2967.19, section 2967.193, or any other provision of 128
Chapter 2967. or Chapter 5120. of the Revised Code. 129

(ii) Except as provided in division (B)(1)(e) of this 130
section, if an offender who is convicted of or pleads guilty to 131
a violation of section 2923.161 of the Revised Code or to a 132

felony that includes, as an essential element, purposely or 133
knowingly causing or attempting to cause the death of or 134
physical harm to another, also is convicted of or pleads guilty 135
to a specification of the type described in division (C) of 136
section 2941.146 of the Revised Code that charges the offender 137
with committing the offense by discharging a firearm from a 138
motor vehicle other than a manufactured home and that the 139
offender previously has been convicted of or pleaded guilty to a 140
specification of the type described in section 2941.141, 141
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 142
the court, after imposing a prison term on the offender for the 143
violation of section 2923.161 of the Revised Code or for the 144
other felony offense under division (A), (B) (2), or (3) of this 145
section, shall impose an additional prison term of ninety months 146
upon the offender that shall not be reduced pursuant to section 147
2929.20, 2967.19, 2967.193, or any other provision of Chapter 148
2967. or Chapter 5120. of the Revised Code. 149

(iii) A court shall not impose more than one additional 150
prison term on an offender under division (B) (1) (c) of this 151
section for felonies committed as part of the same act or 152
transaction. If a court imposes an additional prison term on an 153
offender under division (B) (1) (c) of this section relative to an 154
offense, the court also shall impose a prison term under 155
division (B) (1) (a) of this section relative to the same offense, 156
provided the criteria specified in that division for imposing an 157
additional prison term are satisfied relative to the offender 158
and the offense. 159

(d) If an offender who is convicted of or pleads guilty to 160
an offense of violence that is a felony also is convicted of or 161
pleads guilty to a specification of the type described in 162
section 2941.1411 of the Revised Code that charges the offender 163

with wearing or carrying body armor while committing the felony 164
offense of violence, the court shall impose on the offender a 165
prison term of two years. The prison term so imposed, subject to 166
divisions (C) to (I) of section 2967.19 of the Revised Code, 167
shall not be reduced pursuant to section 2929.20, section 168
2967.19, section 2967.193, or any other provision of Chapter 169
2967. or Chapter 5120. of the Revised Code. A court shall not 170
impose more than one prison term on an offender under division 171
(B) (1) (d) of this section for felonies committed as part of the 172
same act or transaction. If a court imposes an additional prison 173
term under division (B) (1) (a) or (c) of this section, the court 174
is not precluded from imposing an additional prison term under 175
division (B) (1) (d) of this section. 176

(e) The court shall not impose any of the prison terms 177
described in division (B) (1) (a) of this section or any of the 178
additional prison terms described in division (B) (1) (c) of this 179
section upon an offender for a violation of section 2923.12 or 180
2923.123 of the Revised Code. The court shall not impose any of 181
the prison terms described in division (B) (1) (a) or (b) of this 182
section upon an offender for a violation of section 2923.122 183
that involves a deadly weapon that is a firearm other than a 184
dangerous ordnance, section 2923.16, or section 2923.121 of the 185
Revised Code. The court shall not impose any of the prison terms 186
described in division (B) (1) (a) of this section or any of the 187
additional prison terms described in division (B) (1) (c) of this 188
section upon an offender for a violation of section 2923.13 of 189
the Revised Code unless all of the following apply: 190

(i) The offender previously has been convicted of 191
aggravated murder, murder, or any felony of the first or second 192
degree. 193

(ii) Less than five years have passed since the offender 194
was released from prison or post-release control, whichever is 195
later, for the prior offense. 196

(f) (i) If an offender is convicted of or pleads guilty to 197
a felony that includes, as an essential element, causing or 198
attempting to cause the death of or physical harm to another and 199
also is convicted of or pleads guilty to a specification of the 200
type described in division (A) of section 2941.1412 of the 201
Revised Code that charges the offender with committing the 202
offense by discharging a firearm at a peace officer as defined 203
in section 2935.01 of the Revised Code or a corrections officer, 204
as defined in section 2941.1412 of the Revised Code, the court, 205
after imposing a prison term on the offender for the felony 206
offense under division (A), (B) (2), or (B) (3) of this section, 207
shall impose an additional prison term of seven years upon the 208
offender that shall not be reduced pursuant to section 2929.20, 209
section 2967.19, section 2967.193, or any other provision of 210
Chapter 2967. or Chapter 5120. of the Revised Code. 211

(ii) If an offender is convicted of or pleads guilty to a 212
felony that includes, as an essential element, causing or 213
attempting to cause the death of or physical harm to another and 214
also is convicted of or pleads guilty to a specification of the 215
type described in division (B) of section 2941.1412 of the 216
Revised Code that charges the offender with committing the 217
offense by discharging a firearm at a peace officer, as defined 218
in section 2935.01 of the Revised Code, or a corrections 219
officer, as defined in section 2941.1412 of the Revised Code, 220
and that the offender previously has been convicted of or 221
pleaded guilty to a specification of the type described in 222
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 223
the Revised Code, the court, after imposing a prison term on the 224

offender for the felony offense under division (A), (B) (2), or 225
(3) of this section, shall impose an additional prison term of 226
one hundred twenty-six months upon the offender that shall not 227
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 228
any other provision of Chapter 2967. or 5120. of the Revised 229
Code. 230

(iii) If an offender is convicted of or pleads guilty to 231
two or more felonies that include, as an essential element, 232
causing or attempting to cause the death or physical harm to 233
another and also is convicted of or pleads guilty to a 234
specification of the type described under division (B) (1) (f) of 235
this section in connection with two or more of the felonies of 236
which the offender is convicted or to which the offender pleads 237
guilty, the sentencing court shall impose on the offender the 238
prison term specified under division (B) (1) (f) of this section 239
for each of two of the specifications of which the offender is 240
convicted or to which the offender pleads guilty and, in its 241
discretion, also may impose on the offender the prison term 242
specified under that division for any or all of the remaining 243
specifications. If a court imposes an additional prison term on 244
an offender under division (B) (1) (f) of this section relative to 245
an offense, the court shall not impose a prison term under 246
division (B) (1) (a) or (c) of this section relative to the same 247
offense. 248

(g) If an offender is convicted of or pleads guilty to two 249
or more felonies, if one or more of those felonies are 250
aggravated murder, murder, attempted aggravated murder, 251
attempted murder, aggravated robbery, felonious assault, or 252
rape, and if the offender is convicted of or pleads guilty to a 253
specification of the type described under division (B) (1) (a) of 254
this section in connection with two or more of the felonies, the 255

sentencing court shall impose on the offender the prison term 256
specified under division (B) (1) (a) of this section for each of 257
the two most serious specifications of which the offender is 258
convicted or to which the offender pleads guilty and, in its 259
discretion, also may impose on the offender the prison term 260
specified under that division for any or all of the remaining 261
specifications. 262

(2) (a) If division (B) (2) (b) of this section does not 263
apply, the court may impose on an offender, in addition to the 264
longest prison term authorized or required for the offense, an 265
additional definite prison term of one, two, three, four, five, 266
six, seven, eight, nine, or ten years if all of the following 267
criteria are met: 268

(i) The offender is convicted of or pleads guilty to a 269
specification of the type described in section 2941.149 of the 270
Revised Code that the offender is a repeat violent offender. 271

(ii) The offense of which the offender currently is 272
convicted or to which the offender currently pleads guilty is 273
aggravated murder and the court does not impose a sentence of 274
death or life imprisonment without parole, murder, terrorism and 275
the court does not impose a sentence of life imprisonment 276
without parole, any felony of the first degree that is an 277
offense of violence and the court does not impose a sentence of 278
life imprisonment without parole, or any felony of the second 279
degree that is an offense of violence and the trier of fact 280
finds that the offense involved an attempt to cause or a threat 281
to cause serious physical harm to a person or resulted in 282
serious physical harm to a person. 283

(iii) The court imposes the longest prison term for the 284
offense that is not life imprisonment without parole. 285

(iv) The court finds that the prison terms imposed 286
pursuant to division (B) (2) (a) (iii) of this section and, if 287
applicable, division (B) (1) or (3) of this section are 288
inadequate to punish the offender and protect the public from 289
future crime, because the applicable factors under section 290
2929.12 of the Revised Code indicating a greater likelihood of 291
recidivism outweigh the applicable factors under that section 292
indicating a lesser likelihood of recidivism. 293

(v) The court finds that the prison terms imposed pursuant 294
to division (B) (2) (a) (iii) of this section and, if applicable, 295
division (B) (1) or (3) of this section are demeaning to the 296
seriousness of the offense, because one or more of the factors 297
under section 2929.12 of the Revised Code indicating that the 298
offender's conduct is more serious than conduct normally 299
constituting the offense are present, and they outweigh the 300
applicable factors under that section indicating that the 301
offender's conduct is less serious than conduct normally 302
constituting the offense. 303

(b) The court shall impose on an offender the longest 304
prison term authorized or required for the offense and shall 305
impose on the offender an additional definite prison term of 306
one, two, three, four, five, six, seven, eight, nine, or ten 307
years if all of the following criteria are met: 308

(i) The offender is convicted of or pleads guilty to a 309
specification of the type described in section 2941.149 of the 310
Revised Code that the offender is a repeat violent offender. 311

(ii) The offender within the preceding twenty years has 312
been convicted of or pleaded guilty to three or more offenses 313
described in division (CC) (1) of section 2929.01 of the Revised 314
Code, including all offenses described in that division of which 315

the offender is convicted or to which the offender pleads guilty 316
in the current prosecution and all offenses described in that 317
division of which the offender previously has been convicted or 318
to which the offender previously pleaded guilty, whether 319
prosecuted together or separately. 320

(iii) The offense or offenses of which the offender 321
currently is convicted or to which the offender currently pleads 322
guilty is aggravated murder and the court does not impose a 323
sentence of death or life imprisonment without parole, murder, 324
terrorism and the court does not impose a sentence of life 325
imprisonment without parole, any felony of the first degree that 326
is an offense of violence and the court does not impose a 327
sentence of life imprisonment without parole, or any felony of 328
the second degree that is an offense of violence and the trier 329
of fact finds that the offense involved an attempt to cause or a 330
threat to cause serious physical harm to a person or resulted in 331
serious physical harm to a person. 332

(c) For purposes of division (B) (2) (b) of this section, 333
two or more offenses committed at the same time or as part of 334
the same act or event shall be considered one offense, and that 335
one offense shall be the offense with the greatest penalty. 336

(d) A sentence imposed under division (B) (2) (a) or (b) of 337
this section shall not be reduced pursuant to section 2929.20, 338
section 2967.19, or section 2967.193, or any other provision of 339
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 340
shall serve an additional prison term imposed under this section 341
consecutively to and prior to the prison term imposed for the 342
underlying offense. 343

(e) When imposing a sentence pursuant to division (B) (2) 344
(a) or (b) of this section, the court shall state its findings 345

explaining the imposed sentence. 346

(3) Except when an offender commits a violation of section 347
2903.01 or 2907.02 of the Revised Code and the penalty imposed 348
for the violation is life imprisonment or commits a violation of 349
section 2903.02 of the Revised Code, if the offender commits a 350
violation of section 2925.03 or 2925.11 of the Revised Code and 351
that section classifies the offender as a major drug offender, 352
if the offender commits a felony violation of section 2925.02, 353
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 354
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 355
division (C) of section 4729.51, or division (J) of section 356
4729.54 of the Revised Code that includes the sale, offer to 357
sell, or possession of a schedule I or II controlled substance, 358
with the exception of marihuana, and the court imposing sentence 359
upon the offender finds that the offender is guilty of a 360
specification of the type described in section 2941.1410 of the 361
Revised Code charging that the offender is a major drug 362
offender, if the court imposing sentence upon an offender for a 363
felony finds that the offender is guilty of corrupt activity 364
with the most serious offense in the pattern of corrupt activity 365
being a felony of the first degree, or if the offender is guilty 366
of an attempted violation of section 2907.02 of the Revised Code 367
and, had the offender completed the violation of section 2907.02 368
of the Revised Code that was attempted, the offender would have 369
been subject to a sentence of life imprisonment or life 370
imprisonment without parole for the violation of section 2907.02 371
of the Revised Code, the court shall impose upon the offender 372
for the felony violation a mandatory prison term of the maximum 373
prison term prescribed for a felony of the first degree that, 374
subject to divisions (C) to (I) of section 2967.19 of the 375
Revised Code, cannot be reduced pursuant to section 2929.20, 376

section 2967.19, or any other provision of Chapter 2967. or 377
5120. of the Revised Code. 378

(4) If the offender is being sentenced for a third or 379
fourth degree felony OVI offense under division (G) (2) of 380
section 2929.13 of the Revised Code, the sentencing court shall 381
impose upon the offender a mandatory prison term in accordance 382
with that division. In addition to the mandatory prison term, if 383
the offender is being sentenced for a fourth degree felony OVI 384
offense, the court, notwithstanding division (A) (4) of this 385
section, may sentence the offender to a definite prison term of 386
not less than six months and not more than thirty months, and if 387
the offender is being sentenced for a third degree felony OVI 388
offense, the sentencing court may sentence the offender to an 389
additional prison term of any duration specified in division (A) 390
(3) of this section. In either case, the additional prison term 391
imposed shall be reduced by the sixty or one hundred twenty days 392
imposed upon the offender as the mandatory prison term. The 393
total of the additional prison term imposed under division (B) 394
(4) of this section plus the sixty or one hundred twenty days 395
imposed as the mandatory prison term shall equal a definite term 396
in the range of six months to thirty months for a fourth degree 397
felony OVI offense and shall equal one of the authorized prison 398
terms specified in division (A) (3) of this section for a third 399
degree felony OVI offense. If the court imposes an additional 400
prison term under division (B) (4) of this section, the offender 401
shall serve the additional prison term after the offender has 402
served the mandatory prison term required for the offense. In 403
addition to the mandatory prison term or mandatory and 404
additional prison term imposed as described in division (B) (4) 405
of this section, the court also may sentence the offender to a 406
community control sanction under section 2929.16 or 2929.17 of 407

the Revised Code, but the offender shall serve all of the prison 408
terms so imposed prior to serving the community control 409
sanction. 410

If the offender is being sentenced for a fourth degree 411
felony OVI offense under division (G) (1) of section 2929.13 of 412
the Revised Code and the court imposes a mandatory term of local 413
incarceration, the court may impose a prison term as described 414
in division (A) (1) of that section. 415

(5) If an offender is convicted of or pleads guilty to a 416
violation of division (A) (1) or (2) of section 2903.06 of the 417
Revised Code and also is convicted of or pleads guilty to a 418
specification of the type described in section 2941.1414 of the 419
Revised Code that charges that the victim of the offense is a 420
peace officer, as defined in section 2935.01 of the Revised 421
Code, or an investigator of the bureau of criminal 422
identification and investigation, as defined in section 2903.11 423
of the Revised Code, the court shall impose on the offender a 424
prison term of five years. If a court imposes a prison term on 425
an offender under division (B) (5) of this section, the prison 426
term, subject to divisions (C) to (I) of section 2967.19 of the 427
Revised Code, shall not be reduced pursuant to section 2929.20, 428
section 2967.19, section 2967.193, or any other provision of 429
Chapter 2967. or Chapter 5120. of the Revised Code. A court 430
shall not impose more than one prison term on an offender under 431
division (B) (5) of this section for felonies committed as part 432
of the same act. 433

(6) If an offender is convicted of or pleads guilty to a 434
violation of division (A) (1) or (2) of section 2903.06 of the 435
Revised Code and also is convicted of or pleads guilty to a 436
specification of the type described in section 2941.1415 of the 437

Revised Code that charges that the offender previously has been 438
convicted of or pleaded guilty to three or more violations of 439
division (A) or (B) of section 4511.19 of the Revised Code or an 440
equivalent offense, as defined in section 2941.1415 of the 441
Revised Code, or three or more violations of any combination of 442
those divisions and offenses, the court shall impose on the 443
offender a prison term of three years. If a court imposes a 444
prison term on an offender under division (B) (6) of this 445
section, the prison term, subject to divisions (C) to (I) of 446
section 2967.19 of the Revised Code, shall not be reduced 447
pursuant to section 2929.20, section 2967.19, section 2967.193, 448
or any other provision of Chapter 2967. or Chapter 5120. of the 449
Revised Code. A court shall not impose more than one prison term 450
on an offender under division (B) (6) of this section for 451
felonies committed as part of the same act. 452

(7) (a) If an offender is convicted of or pleads guilty to 453
a felony violation of section 2905.01, 2905.02, 2907.21, 454
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 455
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 456
the Revised Code and also is convicted of or pleads guilty to a 457
specification of the type described in section 2941.1422 of the 458
Revised Code that charges that the offender knowingly committed 459
the offense in furtherance of human trafficking, the court shall 460
impose on the offender a mandatory prison term that is one of 461
the following: 462

(i) If the offense is a felony of the first degree, a 463
definite prison term of not less than five years and not greater 464
than ten years; 465

(ii) If the offense is a felony of the second or third 466
degree, a definite prison term of not less than three years and 467

not greater than the maximum prison term allowed for the offense 468
by division (A) of section 2929.14 of the Revised Code; 469

(iii) If the offense is a felony of the fourth or fifth 470
degree, a definite prison term that is the maximum prison term 471
allowed for the offense by division (A) of section 2929.14 of 472
the Revised Code. 473

(b) Subject to divisions (C) to (I) of section 2967.19 of 474
the Revised Code, the prison term imposed under division (B) (7) 475
(a) of this section shall not be reduced pursuant to section 476
2929.20, section 2967.19, section 2967.193, or any other 477
provision of Chapter 2967. of the Revised Code. A court shall 478
not impose more than one prison term on an offender under 479
division (B) (7) (a) of this section for felonies committed as 480
part of the same act, scheme, or plan. 481

(8) If an offender is convicted of or pleads guilty to a 482
felony violation of section 2903.11, 2903.12, or 2903.13 of the 483
Revised Code and also is convicted of or pleads guilty to a 484
specification of the type described in section 2941.1423 of the 485
Revised Code that charges that the victim of the violation was a 486
woman whom the offender knew was pregnant at the time of the 487
violation, notwithstanding the range of prison terms prescribed 488
in division (A) of this section for felonies of the same degree 489
as the violation, the court shall impose on the offender a 490
mandatory prison term that is either a definite prison term of 491
six months or one of the prison terms prescribed in section 492
2929.14 of the Revised Code for felonies of the same degree as 493
the violation. 494

(C) (1) (a) Subject to division (C) (1) (b) of this section, 495
if a mandatory prison term is imposed upon an offender pursuant 496
to division (B) (1) (a) of this section for having a firearm on or 497

about the offender's person or under the offender's control 498
while committing a felony, if a mandatory prison term is imposed 499
upon an offender pursuant to division (B) (1) (c) of this section 500
for committing a felony specified in that division by 501
discharging a firearm from a motor vehicle, or if both types of 502
mandatory prison terms are imposed, the offender shall serve any 503
mandatory prison term imposed under either division 504
consecutively to any other mandatory prison term imposed under 505
either division or under division (B) (1) (d) of this section, 506
consecutively to and prior to any prison term imposed for the 507
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 508
this section or any other section of the Revised Code, and 509
consecutively to any other prison term or mandatory prison term 510
previously or subsequently imposed upon the offender. 511

(b) If a mandatory prison term is imposed upon an offender 512
pursuant to division (B) (1) (d) of this section for wearing or 513
carrying body armor while committing an offense of violence that 514
is a felony, the offender shall serve the mandatory term so 515
imposed consecutively to any other mandatory prison term imposed 516
under that division or under division (B) (1) (a) or (c) of this 517
section, consecutively to and prior to any prison term imposed 518
for the underlying felony under division (A), (B) (2), or (B) (3) 519
of this section or any other section of the Revised Code, and 520
consecutively to any other prison term or mandatory prison term 521
previously or subsequently imposed upon the offender. 522

(c) If a mandatory prison term is imposed upon an offender 523
pursuant to division (B) (1) (f) of this section, the offender 524
shall serve the mandatory prison term so imposed consecutively 525
to and prior to any prison term imposed for the underlying 526
felony under division (A), (B) (2), or (B) (3) of this section or 527
any other section of the Revised Code, and consecutively to any 528

other prison term or mandatory prison term previously or 529
subsequently imposed upon the offender. 530

(d) If a mandatory prison term is imposed upon an offender 531
pursuant to division (B) (7) or (8) of this section, the offender 532
shall serve the mandatory prison term so imposed consecutively 533
to any other mandatory prison term imposed under that division 534
or under any other provision of law and consecutively to any 535
other prison term or mandatory prison term previously or 536
subsequently imposed upon the offender. 537

(2) If an offender who is an inmate in a jail, prison, or 538
other residential detention facility violates section 2917.02, 539
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 540
(2) of section 2921.34 of the Revised Code, if an offender who 541
is under detention at a detention facility commits a felony 542
violation of section 2923.131 of the Revised Code, or if an 543
offender who is an inmate in a jail, prison, or other 544
residential detention facility or is under detention at a 545
detention facility commits another felony while the offender is 546
an escapee in violation of division (A) (1) or (2) of section 547
2921.34 of the Revised Code, any prison term imposed upon the 548
offender for one of those violations shall be served by the 549
offender consecutively to the prison term or term of 550
imprisonment the offender was serving when the offender 551
committed that offense and to any other prison term previously 552
or subsequently imposed upon the offender. 553

(3) If a prison term is imposed for a violation of 554
division (B) of section 2911.01 of the Revised Code, a violation 555
of division (A) of section 2913.02 of the Revised Code in which 556
the stolen property is a firearm or dangerous ordnance, or a 557
felony violation of division (B) of section 2921.331 of the 558

Revised Code, the offender shall serve that prison term 559
consecutively to any other prison term or mandatory prison term 560
previously or subsequently imposed upon the offender. 561

(4) If multiple prison terms are imposed on an offender 562
for convictions of multiple offenses, the court may require the 563
offender to serve the prison terms consecutively if the court 564
finds that the consecutive service is necessary to protect the 565
public from future crime or to punish the offender and that 566
consecutive sentences are not disproportionate to the 567
seriousness of the offender's conduct and to the danger the 568
offender poses to the public, and if the court also finds any of 569
the following: 570

(a) The offender committed one or more of the multiple 571
offenses while the offender was awaiting trial or sentencing, 572
was under a sanction imposed pursuant to section 2929.16, 573
2929.17, or 2929.18 of the Revised Code, or was under post- 574
release control for a prior offense. 575

(b) At least two of the multiple offenses were committed 576
as part of one or more courses of conduct, and the harm caused 577
by two or more of the multiple offenses so committed was so 578
great or unusual that no single prison term for any of the 579
offenses committed as part of any of the courses of conduct 580
adequately reflects the seriousness of the offender's conduct. 581

(c) The offender's history of criminal conduct 582
demonstrates that consecutive sentences are necessary to protect 583
the public from future crime by the offender. 584

(5) If a mandatory prison term is imposed upon an offender 585
pursuant to division (B) (5) or (6) of this section, the offender 586
shall serve the mandatory prison term consecutively to and prior 587

to any prison term imposed for the underlying violation of 588
division (A) (1) or (2) of section 2903.06 of the Revised Code 589
pursuant to division (A) of this section or section 2929.142 of 590
the Revised Code. If a mandatory prison term is imposed upon an 591
offender pursuant to division (B) (5) of this section, and if a 592
mandatory prison term also is imposed upon the offender pursuant 593
to division (B) (6) of this section in relation to the same 594
violation, the offender shall serve the mandatory prison term 595
imposed pursuant to division (B) (5) of this section 596
consecutively to and prior to the mandatory prison term imposed 597
pursuant to division (B) (6) of this section and consecutively to 598
and prior to any prison term imposed for the underlying 599
violation of division (A) (1) or (2) of section 2903.06 of the 600
Revised Code pursuant to division (A) of this section or section 601
2929.142 of the Revised Code. 602

(6) When consecutive prison terms are imposed pursuant to 603
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 604
of this section, the term to be served is the aggregate of all 605
of the terms so imposed. 606

(D) (1) If a court imposes a prison term for a felony of 607
the first degree, for a felony of the second degree, for a 608
felony sex offense, or for a felony of the third degree that is 609
not a felony sex offense and in the commission of which the 610
offender caused or threatened to cause physical harm to a 611
person, it shall include in the sentence a requirement that the 612
offender be subject to a period of post-release control after 613
the offender's release from imprisonment, in accordance with 614
that division. If a court imposes a sentence including a prison 615
term of a type described in this division on or after July 11, 616
2006, the failure of a court to include a post-release control 617
requirement in the sentence pursuant to this division does not 618

negate, limit, or otherwise affect the mandatory period of post- 619
release control that is required for the offender under division 620
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 621
the Revised Code applies if, prior to July 11, 2006, a court 622
imposed a sentence including a prison term of a type described 623
in this division and failed to include in the sentence pursuant 624
to this division a statement regarding post-release control. 625

(2) If a court imposes a prison term for a felony of the 626
third, fourth, or fifth degree that is not subject to division 627
(D)(1) of this section, it shall include in the sentence a 628
requirement that the offender be subject to a period of post- 629
release control after the offender's release from imprisonment, 630
in accordance with that division, if the parole board determines 631
that a period of post-release control is necessary. Section 632
2929.191 of the Revised Code applies if, prior to July 11, 2006, 633
a court imposed a sentence including a prison term of a type 634
described in this division and failed to include in the sentence 635
pursuant to this division a statement regarding post-release 636
control. 637

(E) The court shall impose sentence upon the offender in 638
accordance with section 2971.03 of the Revised Code, and Chapter 639
2971. of the Revised Code applies regarding the prison term or 640
term of life imprisonment without parole imposed upon the 641
offender and the service of that term of imprisonment if any of 642
the following apply: 643

(1) A person is convicted of or pleads guilty to a violent 644
sex offense or a designated homicide, assault, or kidnapping 645
offense, and, in relation to that offense, the offender is 646
adjudicated a sexually violent predator. 647

(2) A person is convicted of or pleads guilty to a 648

violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony

violation, the court may impose upon the offender an additional 708
prison term as follows: 709

(i) Subject to division (H) (2) (a) (ii) of this section, an 710
additional prison term of one, two, three, four, five, or six 711
months; 712

(ii) If the offender previously has been convicted of or 713
pleaded guilty to one or more felony or misdemeanor violations 714
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 715
the Revised Code and also was convicted of or pleaded guilty to 716
a specification of the type described in section 2941.1421 of 717
the Revised Code regarding one or more of those violations, an 718
additional prison term of one, two, three, four, five, six, 719
seven, eight, nine, ten, eleven, or twelve months. 720

(b) In lieu of imposing an additional prison term under 721
division (H) (2) (a) of this section, the court may directly 722
impose on the offender a sanction that requires the offender to 723
wear a real-time processing, continual tracking electronic 724
monitoring device during the period of time specified by the 725
court. The period of time specified by the court shall equal the 726
duration of an additional prison term that the court could have 727
imposed upon the offender under division (H) (2) (a) of this 728
section. A sanction imposed under this division shall commence 729
on the date specified by the court, provided that the sanction 730
shall not commence until after the offender has served the 731
prison term imposed for the felony violation of section 2907.22, 732
2907.24, 2907.241, or 2907.25 of the Revised Code and any 733
residential sanction imposed for the violation under section 734
2929.16 of the Revised Code. A sanction imposed under this 735
division shall be considered to be a community control sanction 736
for purposes of section 2929.15 of the Revised Code, and all 737

provisions of the Revised Code that pertain to community control 738
sanctions shall apply to a sanction imposed under this division, 739
except to the extent that they would by their nature be clearly 740
inapplicable. The offender shall pay all costs associated with a 741
sanction imposed under this division, including the cost of the 742
use of the monitoring device. 743

(I) At the time of sentencing, the court may recommend the 744
offender for placement in a program of shock incarceration under 745
section 5120.031 of the Revised Code or for placement in an 746
intensive program prison under section 5120.032 of the Revised 747
Code, disapprove placement of the offender in a program of shock 748
incarceration or an intensive program prison of that nature, or 749
make no recommendation on placement of the offender. In no case 750
shall the department of rehabilitation and correction place the 751
offender in a program or prison of that nature unless the 752
department determines as specified in section 5120.031 or 753
5120.032 of the Revised Code, whichever is applicable, that the 754
offender is eligible for the placement. 755

If the court disapproves placement of the offender in a 756
program or prison of that nature, the department of 757
rehabilitation and correction shall not place the offender in 758
any program of shock incarceration or intensive program prison. 759

If the court recommends placement of the offender in a 760
program of shock incarceration or in an intensive program 761
prison, and if the offender is subsequently placed in the 762
recommended program or prison, the department shall notify the 763
court of the placement and shall include with the notice a brief 764
description of the placement. 765

If the court recommends placement of the offender in a 766
program of shock incarceration or in an intensive program prison 767

and the department does not subsequently place the offender in 768
the recommended program or prison, the department shall send a 769
notice to the court indicating why the offender was not placed 770
in the recommended program or prison. 771

If the court does not make a recommendation under this 772
division with respect to an offender and if the department 773
determines as specified in section 5120.031 or 5120.032 of the 774
Revised Code, whichever is applicable, that the offender is 775
eligible for placement in a program or prison of that nature, 776
the department shall screen the offender and determine if there 777
is an available program of shock incarceration or an intensive 778
program prison for which the offender is suited. If there is an 779
available program of shock incarceration or an intensive program 780
prison for which the offender is suited, the department shall 781
notify the court of the proposed placement of the offender as 782
specified in section 5120.031 or 5120.032 of the Revised Code 783
and shall include with the notice a brief description of the 784
placement. The court shall have ten days from receipt of the 785
notice to disapprove the placement. 786

(J) If a person is convicted of or pleads guilty to 787
aggravated vehicular homicide in violation of division (A) (1) of 788
section 2903.06 of the Revised Code and division (B) (2) (c) of 789
that section applies, the person shall be sentenced pursuant to 790
section 2929.142 of the Revised Code. 791

(K) (1) The court shall impose an additional mandatory 792
prison term of two, three, four, five, six, seven, eight, nine, 793
ten, or eleven years on an offender who is convicted of or 794
pleads guilty to a violent felony offense if the offender also 795
is convicted of or pleads guilty to a specification of the type 796
described in section 2941.1424 of the Revised Code that charges 797

that the offender is a violent career criminal and had a firearm 798
on or about the offender's person or under the offender's 799
control while committing the presently charged violent felony 800
offense and displayed or brandished the firearm, indicated that 801
the offender possessed a firearm, or used the firearm to 802
facilitate the offense. The offender shall serve the prison term 803
imposed under this division consecutively to and prior to the 804
prison term imposed for the underlying offense. The prison term 805
shall not be reduced pursuant to section 2929.20 or 2967.19 or 806
any other provision of Chapter 2967. or 5120. of the Revised 807
Code. A court may not impose more than one sentence under 808
division (B) (2) (a) of this section and this division for acts 809
committed as part of the same act or transaction. 810

(2) As used in division (K) (1) of this section, "violent 811
career criminal" and "violent felony offense" have the same 812
meanings as in section 2923.132 of the Revised Code. 813

Sec. 3702.511. (A) Except as provided in division (B) of 814
this section and section 3702.512 of the Revised Code, the 815
following activities are reviewable under sections 3702.51 to 816
3702.62 of the Revised Code: 817

(1) Establishment, development, or construction of a new 818
long-term care facility; 819

(2) Replacement of an existing long-term care facility; 820

(3) Renovation of or addition to a long-term care facility 821
that involves a capital expenditure of two million dollars or 822
more, not including expenditures for equipment, staffing, or 823
operational costs; 824

(4) An increase in long-term care bed capacity; 825

(5) A relocation of long-term care beds from one physical 826

facility or site to another, excluding relocation of beds within 827
a long-term care facility or among buildings of a long-term care 828
facility at the same site; 829

(6) Expenditure of more than one hundred ten per cent of 830
the maximum expenditure specified in a certificate of need 831
concerning long-term care beds; 832

(7) Any failure to conduct a reviewable activity in 833
substantial accordance with the approved application for which a 834
certificate of need was granted, including a change in the site, 835
if the failure occurs within five years after implementation of 836
the reviewable activity for which the certificate was granted. 837

(B) The following activities are not subject to review 838
under sections 3702.51 to 3702.62 of the Revised Code: 839

(1) Acquisition of computer hardware or software; 840

(2) Acquisition of a telephone system; 841

(3) Construction or acquisition of parking facilities; 842

(4) Correction of cited deficiencies that constitute an 843
imminent threat to public health or safety and are in violation 844
of federal, state, or local fire, building, or safety statutes, 845
ordinances, rules, or regulations; 846

(5) Acquisition of an existing long-term care facility 847
that does not involve a change in the number of the beds; 848

(6) Mergers, consolidations, or other corporate 849
reorganizations of long-term care facilities that do not involve 850
a change in the number of beds; 851

(7) Construction, repair, or renovation of bathroom 852
facilities; 853

(8) Construction of laundry facilities, waste disposal 854
facilities, dietary department projects, heating and air 855
conditioning projects, administrative offices, and portions of 856
medical office buildings used exclusively for physician 857
services; 858

(9) Removal of asbestos from a health care facility. 859

Only that portion of a project that is described in this 860
division is not reviewable. 861

Sec. 3702.512. (A) Except as provided in division (B) of 862
this section, the addition of twenty or fewer long-term care 863
beds to a nursing home is not a reviewable activity under 864
sections 3702.51 to 3702.62 of the Revised Code, and therefore 865
does not require a certificate of need, if all of the following 866
apply: 867

(1) The nursing home is licensed under section 3721.02 of 868
the Revised Code or by a political subdivision certified under 869
section 3721.09 of the Revised Code; 870

(2) The nursing home does not participate in medicare or 871
medicaid; 872

(3) All of the long-term care beds being added to the 873
nursing home are to be used solely for the provision of 874
palliative care, as defined in section 3712.01 of the Revised 875
Code. 876

(B) The continued use of long-term care beds added to a 877
nursing home under this section is a reviewable activity under 878
sections 3702.51 to 3702.62 of the Revised Code if either of the 879
following occurs: 880

(1) Certification to participate in medicare or medicaid 881

is granted for the nursing home or the part of the nursing home 882
that includes the long-term care beds that were added; 883

(2) The nursing home to which the long-term care beds were 884
added is sold. 885

(C) A nursing home that had added twenty long-term care 886
beds under this section may add no additional long-term care 887
beds under this section. 888

Sec. 3702.53. (A) No person shall carry out any reviewable 889
activity unless a certificate of need for such activity has been 890
granted under sections 3702.51 to 3702.62 of the Revised Code or 891
the person is exempted by division (B) of section 3702.511 or 892
section 3702.512 or 3702.62 of the Revised Code from the 893
requirement that a certificate of need be obtained. No person 894
shall carry out any reviewable activity if a certificate of need 895
authorizing that activity has been withdrawn by the director of 896
health under section 3702.52 or 3702.525 of the Revised Code. No 897
person shall carry out a reviewable activity if the certificate 898
of need authorizing that activity is void pursuant to section 899
3702.523 of the Revised Code or has expired pursuant to section 900
3702.524 of the Revised Code. 901

(B) No person shall separate portions of any proposal for 902
any reviewable activity to evade the requirements of sections 903
3702.51 to 3702.62 of the Revised Code. 904

(C) No person granted a certificate of need shall carry 905
out the reviewable activity authorized by the certificate of 906
need other than in substantial accordance with the approved 907
application for the certificate of need. 908

Sec. 3712.042. Every person or public agency that proposes 909
to operate a palliative care facility shall apply to the 910

department of health for a license. Application shall be made on 911
forms prescribed and provided by the department, shall include 912
such information as the department requires, and shall be 913
accompanied by the license fee established in rules adopted by 914
the director of health under division (A) of section 3712.032 of 915
the Revised Code. 916

The department shall grant a license to the applicant if 917
the applicant is in compliance with this chapter and rules 918
adopted under it. 919

(B) A license granted under this section shall be valid 920
for three years. Application for renewal of a license shall be 921
made at least ninety days before the expiration of the license 922
in the same manner as for an initial license. The department 923
shall renew the license if the applicant meets the requirements 924
of this chapter and rules adopted under it. 925

(C) Subject to Chapter 119. of the Revised Code, the 926
department may suspend or revoke a license if the licensee made 927
any material representation in the application for the license 928
or no longer meets the requirements of this chapter or rules 929
adopted under it. 930

Sec. 3727.70. As used in this section and sections 3727.71 931
to 3727.79 of the Revised Code: 932

(A) "Admission" means a patient's admission to a hospital 933
on an inpatient basis by a health care professional specified in 934
division (B) (1) of section 3727.06 of the Revised Code. 935

(B) "After-care" means assistance provided by a lay 936
caregiver to a patient in the patient's residence after the 937
patient's discharge and includes only the caregiving needs of 938
the patient at the time of discharge. 939

(C) "Discharge" means the discharge or release of a patient who has been admitted to a hospital on an inpatient basis from the hospital directly to the patient's residence. "Discharge" does not include the transfer of a patient to another facility or setting. 940
941
942
943
944

(D) "Discharging health care professional" means a health care professional who is authorized by division (B) (1) of section 3727.06 of the Revised Code to admit a patient to a hospital and who has assumed responsibility for directing the creation of the patient's discharge plan under section 3727.75 of the Revised Code. 945
946
947
948
949
950

(E) "Guardian" has the same meaning as in section 2133.01 of the Revised Code. 951
952

(F) "Lay caregiver" means an adult designated under section 3727.71 of the Revised Code to provide after-care to a patient. 953
954
955

(G) "Lay caregiver designation" means the designation of a lay caregiver for a patient as described in section 3727.71 of the Revised Code. 956
957
958

(H) (1) "Patient's residence" means either of the following: 959
960

(a) The dwelling that a patient or the patient's guardian considers to be the patient's home; 961
962

(b) The dwelling of a relative or other individual who has agreed to temporarily house the patient following discharge and who has communicated this fact to hospital staff. 963
964
965

(2) "Patient's residence" does not include any of the following: 966
967

<u>(a) A hospital;</u>	968
<u>(b) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;</u>	969 970 971
<u>(c) A veterans' home operated under Chapter 5907. of the Revised Code;</u>	972 973
<u>(d) A residential facility, as defined in section 5119.34 of the Revised Code;</u>	974 975
<u>(e) A residential facility, as defined in section 5123.19 of the Revised Code;</u>	976 977
<u>(f) A hospice care program, as defined in section 3712.01 of the Revised Code;</u>	978 979
<u>(g) A freestanding inpatient rehabilitation facility licensed under section 3702.30 of the Revised Code;</u>	980 981
<u>(h) Another facility similar to one specified in this division.</u>	982 983
<u>Sec. 3727.71. (A) In the case of a patient who is at least fifty-five years of age and not unconscious or otherwise incapacitated at the time of admission, a hospital shall offer the patient or the patient's guardian an opportunity to designate a lay caregiver for the patient. The offer shall be made after the patient's admission and before the patient's discharge.</u>	984 985 986 987 988 989 990
<u>(B) In the case of a patient who is at least fifty-five years of age and unconscious or otherwise incapacitated at the time of admission, a hospital shall offer the patient or the patient's guardian an opportunity to designate a lay caregiver for the patient. The offer shall be made after the patient</u>	991 992 993 994 995

regains consciousness or capacity and before the patient's 996
discharge. 997

Sec. 3727.72. (A) If a patient or guardian makes a lay 998
caregiver designation, the hospital shall do both of the 999
following: 1000

(1) To the extent the information is available, record in 1001
the patient's medical record the lay caregiver's name, address, 1002
telephone number, electronic mail address, and relationship to 1003
the patient; 1004

(2) Request from the patient or guardian consent to 1005
disclose the patient's medical information to the lay caregiver 1006
in accordance with hospital policy and state and federal law. 1007

(B) If a patient or guardian declines to make a lay 1008
caregiver designation, the hospital shall note that decision in 1009
the patient's medical record and have no other obligation under 1010
sections 3727.71 to 3727.79 of the Revised Code. 1011

Sec. 3727.73. A patient or guardian may revoke a lay 1012
caregiver designation at any time before the patient's discharge 1013
by communicating that intent to hospital staff. After 1014
revocation, a new lay caregiver designation may be completed in 1015
accordance with section 3727.71 of the Revised Code. 1016

Sec. 3727.74. (A) Except as provided in division (B) of 1017
this section, a hospital that intends to discharge a patient, or 1018
transfer a patient to another hospital or facility, shall notify 1019
the patient's lay caregiver of that intent as soon as 1020
practicable. 1021

(B) Division (A) of this section does not apply if the 1022
patient or guardian has not given the consent described in 1023
division (A) (2) of section 3727.72 of the Revised Code. 1024

Sec. 3727.75. (A) A hospital that intends to discharge a 1025
patient shall, as soon as practicable, create a discharge plan 1026
in accordance with state and federal law and hospital policy and 1027
review that plan with the patient or the patient's guardian. If 1028
a lay caregiver designation has been made, the discharging 1029
health care professional has determined that the lay caregiver's 1030
participation in the review would be appropriate, and the lay 1031
caregiver is available within a reasonable amount of time, the 1032
hospital shall arrange for the lay caregiver to also participate 1033
in the review. The review shall be conducted in accordance with 1034
section 3727.76 of the Revised Code. 1035

(B) (1) A discharge plan may include the following 1036
information: 1037

(a) A description of the tasks that are necessary to 1038
facilitate the patient's transition from the hospital to the 1039
patient's residence; 1040

(b) Contact information for the health care providers or 1041
providers of community or long-term care services that the 1042
hospital and the patient or guardian believe are necessary for 1043
successful implementation of the discharge plan. 1044

(2) If a lay caregiver designation has been made and the 1045
discharging health care professional has determined that the lay 1046
caregiver is to have a role in the discharge plan, the discharge 1047
plan may include any of the following: 1048

(a) The lay caregiver's name, address, telephone number, 1049
electronic mail address, and relationship to the patient, if 1050
available; 1051

(b) A description of all after-care tasks to be performed 1052
by the lay caregiver, taking into account the lay caregiver's 1053

capability to perform such tasks; 1054

(c) Any other information the hospital believes is 1055
necessary for successful implementation of the discharge plan. 1056

(C) A discharging health care professional shall not be 1057
subject to criminal prosecution or professional disciplinary 1058
action, or be liable in a tort action or other civil action, for 1059
an event or occurrence that allegedly arises out of the health 1060
care professional's determination that a patient's lay caregiver 1061
should or should not participate in the review of the patient's 1062
discharge plan. 1063

Sec. 3727.76. (A) The review of a discharge plan that has 1064
been created under section 3727.75 of the Revised Code shall be 1065
conducted in a manner that is culturally sensitive to each 1066
individual who participates in the review. In accordance with 1067
state and federal law and if appropriate, the hospital shall 1068
arrange for an interpreter to be present during the instruction. 1069

(B) (1) The review described in division (A) of this 1070
section shall, subject to division (B) (2) of this section, 1071
include the following components: 1072

(a) If the discharging health care professional determines 1073
that it is appropriate, a live demonstration of each task 1074
described in the discharge plan performed by a hospital employee 1075
or an individual under contract with the hospital to provide the 1076
instruction; 1077

(b) An opportunity for each participant to ask questions 1078
and receive responses; 1079

(c) Any other component the hospital believes is necessary 1080
to ensure that each participant receives adequate instruction on 1081
the tasks described in the discharge plan. 1082

(2) It is the intent of the general assembly that 1083
execution of the components in division (B) (1) of this section 1084
not unreasonably delay a patient's discharge. 1085

(C) The hospital shall document information concerning the 1086
instruction provided under this section in the patient's medical 1087
record. The information shall include the date and time the 1088
instruction was provided and a description of the instruction 1089
content. 1090

Sec. 3727.77. (A) Sections 3727.70 to 3727.76 of the 1091
Revised Code do not require a patient or guardian to make a lay 1092
caregiver designation. 1093

(B) A lay caregiver designation does not obligate any 1094
individual to perform after-care. 1095

(C) A lay caregiver designation or the absence of one 1096
shall not interfere with, delay, or otherwise affect the 1097
provision of health care to the patient. 1098

Sec. 3727.78. It is the intent of the general assembly 1099
that sections 3727.70 to 3727.77 of the Revised Code not be 1100
construed to do any of the following: 1101

(A) Interfere with the authority of a patient's attorney- 1102
in-fact under sections 1337.11 to 1337.17 of the Revised Code or 1103
a patient's proxy under sections 2135.01 to 2135.14 of the 1104
Revised Code; 1105

(B) Create a right of action against a hospital or an 1106
employee, agent, or contractor of the hospital; 1107

(C) Create a liability for a hospital or an employee, 1108
agent, or contractor of the hospital; 1109

(D) Limit, impair, or supersede any right or remedy that a 1110

person has under any other statute, rule, regulation, or the 1111
common law of this state; 1112

(E) Alter the obligations of an insurer under a health 1113
insurance policy, contract, or plan. 1114

Sec. 3727.79. The department of health may adopt rules 1115
pursuant to Chapter 119. of the Revised Code as necessary to 1116
implement sections 3727.70 to 3727.78 of the Revised Code. 1117

Sec. 3795.03. Nothing in section 3795.01~~er,~~ 3795.02, or 1118
3795.04 of the Revised Code shall do any of the following: 1119

(A) Prohibit or preclude a physician, certified nurse 1120
practitioner, certified nurse-midwife, or clinical nurse 1121
specialist who carries out the responsibility to provide comfort 1122
care to a patient in good faith and while acting within the 1123
scope of the physician's or nurse's authority from prescribing, 1124
dispensing, administering, or causing to be administered any 1125
particular medical procedure, treatment, intervention, or other 1126
measure to the patient, including, but not limited to, 1127
prescribing, personally furnishing, administering, or causing to 1128
be administered by judicious titration or in another manner any 1129
form of medication, for the purpose of diminishing the patient's 1130
pain or discomfort and not for the purpose of postponing or 1131
causing the patient's death, even though the medical procedure, 1132
treatment, intervention, or other measure may appear to hasten 1133
or increase the risk of the patient's death; 1134

(B) Prohibit or preclude health care personnel acting 1135
under the direction of a person authorized to prescribe a 1136
patient's treatment and who carry out the responsibility to 1137
provide comfort care to the patient in good faith and while 1138
acting within the scope of their authority from dispensing, 1139

administering, or causing to be administered any particular 1140
medical procedure, treatment, intervention, or other measure to 1141
the patient, including, but not limited to, personally 1142
furnishing, administering, or causing to be administered by 1143
judicious titration or in another manner any form of medication, 1144
for the purpose of diminishing the patient's pain or discomfort 1145
and not for the purpose of postponing or causing the patient's 1146
death, even though the medical procedure, treatment, 1147
intervention, or other measure may appear to hasten or increase 1148
the risk of the patient's death; 1149

(C) Prohibit or affect the use or continuation, or the 1150
withholding or withdrawal, of life-sustaining treatment, CPR, or 1151
comfort care under Chapter 2133. of the Revised Code; 1152

(D) Prohibit or affect the provision or withholding of 1153
health care, life-sustaining treatment, or comfort care to a 1154
principal under a durable power of attorney for health care or 1155
any other health care decision made by an attorney in fact under 1156
sections 1337.11 to 1337.17 of the Revised Code; 1157

(E) Affect or limit the authority of a physician, a health 1158
care facility, a person employed by or under contract with a 1159
health care facility, or emergency service personnel to provide 1160
or withhold health care to a person in accordance with 1161
reasonable medical standards applicable in an emergency 1162
situation; 1163

(F) Affect or limit the authority of a person to refuse to 1164
give informed consent to health care, including through the 1165
execution of a durable power of attorney for health care under 1166
sections 1337.11 to 1337.17 of the Revised Code, the execution 1167
of a declaration under sections 2133.01 to 2133.15 of the 1168
Revised Code, or authorizing the withholding or withdrawal of 1169

CPR under sections 2133.21 to 2133.26 of the Revised Code. 1170

Sec. 3795.04. (A) Except as provided in section 3795.03 of 1171
the Revised Code, no person shall knowingly cause another person 1172
to commit or attempt to commit suicide by doing either of the 1173
following: 1174

(1) Providing the physical means by which the other person 1175
commits or attempts to commit suicide; 1176

(2) Participating in a physical act by which the other 1177
person commits or attempts to commit suicide. 1178

(B) Whoever violates division (A) of this section is 1179
guilty of assisting suicide, a felony of the third degree. 1180

Section 2. That existing sections 2929.14, 3702.511, 1181
3702.53, and 3795.03 of the Revised Code are hereby repealed. 1182

Section 3. The Director of Aging and the Director of 1183
Health shall jointly develop recommendations regarding the 1184
establishment of standards and procedures for the operation of 1185
memory care units in this state, as well as quality-of-care 1186
metrics to be used in measuring the performance of such units. 1187
The directors shall, in accordance with section 101.68 of the 1188
Revised Code, submit the recommendations to the General Assembly 1189
not later than six months after the effective date of this 1190
section. 1191