

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 144**

**Senator Burke  
Cosponsor: Senator Yuko**

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**A BILL**

To amend sections 3304.22, 4141.04, and 4765.04, to  
enact new sections 3304.12, 3304.13, and  
3304.14, and to repeal sections 3303.41,  
3304.12, 3304.13, 3304.14, and 3304.25 of the  
Revised Code to abolish the Opportunities for  
Ohioans with Disabilities Commission, Consumer  
Advisory Committee, and Governor's Council on  
People with Disabilities and to establish a  
state rehabilitation services council known as  
the Opportunities for Ohioans with Disabilities  
Council.

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

**Section 1.** That sections 3304.22, 4141.04, and 4765.04 be  
amended and new sections 3304.12, 3304.13, and 3304.14 of the  
Revised Code be enacted to read as follows:

**Sec. 3304.12.** (A) There is hereby created in the  
opportunities for Ohioans with disabilities agency a state  
rehabilitation services council to be known as the opportunities  
for Ohioans with disabilities council. The council shall consist

- of the following members: 19
- (1) An individual who represents a parent training and 20  
information center established in accordance with the federal 21  
"Individuals with Disabilities Education Act," 20 U.S.C. 1400; 22
- (2) An individual who represents a client assistance 23  
program described in 34 C.F.R. 370.1 and is an attorney; 24
- (3) A vocational counselor who has knowledge of and 25  
experience with vocational rehabilitation services; 26
- (4) An individual who represents community rehabilitation 27  
program service providers; 28
- (5) Four individuals each representing business, industry, 29  
or labor interests; 30
- (6) An individual who represents an organization that 31  
advocates on behalf of individuals with physical, cognitive, 32  
sensory, or mental disabilities; 33
- (7) An individual who represents individuals with 34  
disabilities who are unable to represent or have difficulty 35  
representing themselves; 36
- (8) An individual who has applied for or received 37  
vocational rehabilitation services; 38
- (9) An individual who represents institutions of secondary 39  
or higher education; 40
- (10) An individual from the governor's executive workforce 41  
board established by section 6301.04 of the Revised Code; 42
- (11) An individual from the department of education with 43  
knowledge of and experience with the "Individuals with 44  
Disabilities Education Act"; 45

(12) An individual who represents the Ohio statewide independent living council. 46  
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A majority of the members of the council must be individuals with disabilities who are not employed by the opportunities for Ohioans with disabilities agency. 48  
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The executive director of the opportunities for Ohioans with disabilities agency shall serve as a nonvoting member of the council. 51  
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(B) Except as provided in division (C) of this section, all council members shall be appointed by the governor. The governor shall make initial appointments to the council not later than sixty days after the effective date of this section. Of the initial appointments, five shall be for terms of three years, five for terms of two years, and five for terms of one year. Thereafter, terms shall be three years. 54  
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When a term expires or a vacancy occurs before a term expires, a successor member shall be appointed. A member appointed to fill a vacancy occurring before the expiration of a term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member may be reappointed for one additional term only, except that the member described in division (A) (2) of this section may be reappointed an unlimited number of times. 61  
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(C) The governor may, by executive order, delegate to the executive director authority to make appointments other than initial appointments. 69  
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(D) Each member of the council shall serve without compensation except to the extent that serving on the council is considered part of the member's regular duties of employment. 72  
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Each member shall be reimbursed for actual expenses incurred in 75  
the performance of the member's official duties, including 76  
expenses for travel and personal assistance services. 77

**Sec. 3304.13.** The opportunities for Ohioans with 78  
disabilities council shall hold its first meeting at the call of 79  
the governor. Regular meetings shall be held not less than four 80  
times a year. Special meetings may be held with the approval of 81  
the executive director of the opportunities for Ohioans with 82  
disabilities agency. Nine members constitute a quorum. 83

The governor shall select a member of the council to serve 84  
as its chairperson. The member selected shall serve as 85  
chairperson for one year, unless removed earlier by the 86  
governor. 87

The council shall establish standards for the conduct of 88  
council business. 89

A council member who has a conflict of interest on a 90  
matter before the council shall not participate in council 91  
discussions and votes on the matter. 92

**Sec. 3304.14.** (A) The opportunities for Ohioans with 93  
disabilities council, in collaboration with the governor's 94  
office of workforce transformation, shall do all of the 95  
following: 96

(1) Examine all of the following related to the state 97  
vocational rehabilitation program: 98

(a) The process for determining eligibility, including the 99  
order of selection; 100

(b) The extent, scope, and effectiveness of services 101  
provided; 102

<u>(c) The impact of state agency actions on the ability of</u>	103
<u>individuals with disabilities to achieve employment outcomes</u>	104
<u>through the program.</u>	105
<u>(2) Advise the opportunities for Ohioans with disabilities</u>	106
<u>agency regarding the examination described in division (A)(1) of</u>	107
<u>this section;</u>	108
<u>(3) In partnership with the opportunities for Ohioans with</u>	109
<u>disabilities agency and as required by 34 C.F.R. 361.29(c),</u>	110
<u>identify, develop, and review state goals and priorities</u>	111
<u>relating to the vocational rehabilitation services portion of</u>	112
<u>the unified or combined state plan submitted in accordance with</u>	113
<u>the "Workforce Innovation and Opportunity Act of 2014," 29</u>	114
<u>U.S.C. 3102;</u>	115
<u>(4) In partnership with the opportunities for Ohioans with</u>	116
<u>disabilities agency and as required by 34 C.F.R. 361.29(e),</u>	117
<u>evaluate the effectiveness of the vocational rehabilitation</u>	118
<u>program and prepare and submit to the United States secretary of</u>	119
<u>education an annual report on the progress made in improving the</u>	120
<u>program's effectiveness as part of the unified or combined state</u>	121
<u>plan;</u>	122
<u>(5) Advise the opportunities for Ohioans with disabilities</u>	123
<u>agency regarding vocational rehabilitation program activities;</u>	124
<u>(6) Assist the opportunities for Ohioans with disabilities</u>	125
<u>agency in the preparation of the vocational rehabilitation</u>	126
<u>services portion of the unified or combined state plan, any</u>	127
<u>amendments to the plan, and any reports, needs assessments, or</u>	128
<u>evaluations required as part of the plan;</u>	129
<u>(7) To the extent feasible, evaluate the satisfaction that</u>	130
<u>individuals with disabilities served by the vocational</u>	131

rehabilitation program have with and the effectiveness of the 132  
following: 133

(a) The duties performed or services provided by the 134  
opportunities for Ohioans with disabilities agency; 135

(b) The vocational rehabilitation services provided by 136  
state agencies or other entities responsible for providing 137  
vocational rehabilitation services to individuals under the 138  
"Rehabilitation Act of 1973," 29 U.S.C. 701; 139

(c) The employment outcomes achieved under the vocational 140  
rehabilitation services program, including the availability of 141  
health and other employment benefits. 142

(8) Not later than ninety days after the end of each 143  
federal fiscal year, prepare and submit to the governor and the 144  
United States secretary of education a report concerning the 145  
status of vocational rehabilitation programs available within 146  
the state and make the report available through appropriate 147  
means; 148

(9) Coordinate efforts with other entities to increase the 149  
number of individuals receiving vocational rehabilitation 150  
services, including the following: the Ohio statewide 151  
independent living council; the advisory panel established under 152  
section 3323.06 of the Revised Code; the Ohio developmental 153  
disabilities council created by section 5123.35 of the Revised 154  
Code; the entity serving as this state's state mental health 155  
planning council, as described in the "Public Health Services 156  
Act," 42 U.S.C. 300x-3; the governor's executive workforce board 157  
established by section 6301.04 of the Revised Code; and the 158  
entities performing activities under the "Assistive Technology 159  
Act of 1998," 29 U.S.C. 3001 et seq.; 160

(10) Engage in efforts to improve coordination and 161  
establish relationships between the opportunities for Ohioans 162  
with disabilities agency, the Ohio statewide independent living 163  
council, and the centers for independent living; 164

(11) Perform any other functions consistent with the 165  
purposes of the "Rehabilitation Act of 1973," 29 U.S.C. 701, and 166  
the duties of the council. 167

(B) The opportunities for Ohioans with disabilities agency 168  
may employ staff and other personnel as necessary to assist the 169  
opportunities for Ohioans with disabilities council in 170  
performing its duties. 171

**Sec. 3304.22.** No officer or employee of the opportunities 172  
for Ohioans with disabilities ~~commission~~ council, the 173  
opportunities for Ohioans with disabilities agency, or any 174  
person engaged in the administration of a vocational 175  
rehabilitation program sponsored by or affiliated with the state 176  
shall use or permit the use of any vocational rehabilitation 177  
program for the purpose of interfering with an election for any 178  
partisan political purpose; solicit or receive money for a 179  
partisan political purpose; or require any other person to 180  
contribute any service or money for a partisan political 181  
purpose. Whoever violates this section shall be removed from the 182  
officer's or employee's office or employment. 183

**Sec. 4141.04.** The director of job and family services 184  
shall maintain or ensure the existence of public employment 185  
offices that are free to the general public. These offices shall 186  
exist in such number and in such places as are necessary for the 187  
proper administration of this chapter, to perform such duties as 188  
are within the purview of the act of congress entitled "an act 189  
to provide for the establishment of a national employment system 190

and for cooperation with the states in the promotion of such 191  
system, and for other purposes," approved June 6, 1933, as 192  
amended, which is known as the "Wagner-Peyser Act." The director 193  
shall cooperate with any official or agency of the United States 194  
having powers or duties under that act of congress and shall do 195  
and perform all things necessary to secure to this state the 196  
benefits of that act of congress in the promotion and 197  
maintenance of a system of public employment offices. That act 198  
of congress is hereby accepted by this state, in conformity with 199  
that act of congress and Title III of the "Social Security Act," 200  
and the "Federal Unemployment Tax Act," 26 U.S.C.A. 3301, as 201  
amended, and this state will observe and comply with the 202  
requirements thereof. The department of job and family services 203  
is hereby designated and constituted the agency of this state 204  
for the purposes of that act of congress. 205

The director may cooperate with or enter into agreements 206  
with the railroad retirement board with respect to the 207  
establishment, maintenance, and use of employment service 208  
facilities that are free to the general public. 209

All moneys received by this state under the act of 210  
congress known as the Wagner-Peyser Act shall be deposited into 211  
the state treasury to the credit of the special employment 212  
service account in the federal operating fund, which is hereby 213  
created. Those moneys are hereby made available to the director 214  
to be expended as provided by this section and by that act of 215  
congress. For the purpose of establishing and maintaining public 216  
employment offices that are free to the general public, the 217  
director may enter into agreements with the railroad retirement 218  
board or any other agency of the United States charged with the 219  
administration of an unemployment compensation law, with any 220  
political subdivision of this state, or with any private, 221

nonprofit organization and as a part of any such agreement the 222  
director may accept moneys, services, or quarters as a 223  
contribution to the employment service account. 224

The director shall maintain labor market information and 225  
employment statistics as necessary for the administration of 226  
this chapter. 227

~~The director shall appoint an employee of the department 228  
to serve as an ex officio member of the governor's council to 229  
maintain a liaison between the department and the governor's 230  
council on people with disabilities. 231~~

**Sec. 4765.04.** (A) The firefighter and fire safety 232  
inspector training committee of the state board of emergency 233  
medical, fire, and transportation services is hereby created and 234  
shall consist of the members of the board who are chiefs of fire 235  
departments, and the members of the board who are emergency 236  
medical technicians-basic, emergency medical technicians- 237  
intermediate, and emergency medical technicians-paramedic 238  
appointed from among persons nominated by the Ohio association 239  
of professional fire fighters or the northern Ohio fire fighters 240  
and from among persons nominated by the Ohio state firefighter's 241  
association. Each member of the committee, except the 242  
chairperson, may designate a person with fire experience to 243  
serve in that member's place. The members of the committee or 244  
their designees shall select a chairperson from among the 245  
members or their designees. 246

The committee may conduct investigations in the course of 247  
discharging its duties under this chapter. In the course of an 248  
investigation, the committee may issue subpoenas. If a person 249  
subpoenaed fails to comply with the subpoena, the committee may 250  
authorize its chairperson to apply to the court of common pleas 251

in the county where the person to be subpoenaed resides for an 252  
order compelling compliance in the same manner as compliance 253  
with a subpoena issued by the court is compelled. 254

(B) The trauma committee of the state board of emergency 255  
medical, fire, and transportation services is hereby created and 256  
shall consist of the following members appointed by the director 257  
of public safety: 258

(1) A physician who is certified by the American board of 259  
surgery or American osteopathic board of surgery and actively 260  
practices general trauma surgery, appointed from among three 261  
persons nominated by the Ohio chapter of the American college of 262  
surgeons, three persons nominated by the Ohio state medical 263  
association, and three persons nominated by the Ohio osteopathic 264  
association; 265

(2) A physician who is certified by the American board of 266  
surgery or the American osteopathic board of surgery and 267  
actively practices orthopedic trauma surgery, appointed from 268  
among three persons nominated by the Ohio orthopedic society and 269  
three persons nominated by the Ohio osteopathic association; 270

(3) A physician who is certified by the American board of 271  
neurological surgeons or the American osteopathic board of 272  
surgery and actively practices neurosurgery on trauma victims, 273  
appointed from among three persons nominated by the Ohio state 274  
neurological society and three persons nominated by the Ohio 275  
osteopathic association; 276

(4) A physician who is certified by the American board of 277  
surgeons or American osteopathic board of surgeons and actively 278  
specializes in treating burn victims, appointed from among three 279  
persons nominated by the Ohio chapter of the American college of 280

surgeons and three persons nominated by the Ohio osteopathic association;	281 282
(5) A dentist who is certified by the American board of oral and maxillofacial surgery and actively practices oral and maxillofacial surgery, appointed from among three persons nominated by the Ohio dental association;	283 284 285 286
(6) A physician who is certified by the American board of physical medicine and rehabilitation or American osteopathic board of rehabilitation medicine and actively provides rehabilitative care to trauma victims, appointed from among three persons nominated by the Ohio society of physical medicine and rehabilitation and three persons nominated by the Ohio osteopathic association;	287 288 289 290 291 292 293
(7) A physician who is certified by the American board of surgery or American osteopathic board of surgery with special qualifications in pediatric surgery and actively practices pediatric trauma surgery, appointed from among three persons nominated by the Ohio chapter of the American academy of pediatrics and three persons nominated by the Ohio osteopathic association;	294 295 296 297 298 299 300
(8) A physician who is certified by the American board of emergency medicine or American osteopathic board of emergency medicine, actively practices emergency medicine, and is actively involved in emergency medical services, appointed from among three persons nominated by the Ohio chapter of the American college of emergency physicians and three persons nominated by the Ohio osteopathic association;	301 302 303 304 305 306 307
(9) A physician who is certified by the American board of pediatrics, American osteopathic board of pediatrics, or	308 309

American board of emergency medicine, is sub-boarded in 310  
pediatric emergency medicine, actively practices pediatric 311  
emergency medicine, and is actively involved in emergency 312  
medical services, appointed from among three persons nominated 313  
by the Ohio chapter of the American academy of pediatrics, three 314  
persons nominated by the Ohio chapter of the American college of 315  
emergency physicians, and three persons nominated by the Ohio 316  
osteopathic association; 317

(10) A physician who is certified by the American board of 318  
surgery, American osteopathic board of surgery, or American 319  
board of emergency medicine and is the chief medical officer of 320  
an air medical organization, appointed from among three persons 321  
nominated by the Ohio association of air medical services; 322

(11) A coroner or medical examiner appointed from among 323  
three people nominated by the Ohio state coroners' association; 324

(12) A registered nurse who actively practices trauma 325  
nursing at an adult or pediatric trauma center, appointed from 326  
among three persons nominated by the Ohio association of trauma 327  
nurse coordinators; 328

(13) A registered nurse who actively practices emergency 329  
nursing and is actively involved in emergency medical services, 330  
appointed from among three persons nominated by the Ohio chapter 331  
of the emergency nurses' association; 332

(14) The chief trauma registrar of an adult or pediatric 333  
trauma center, appointed from among three persons nominated by 334  
the alliance of Ohio trauma registrars; 335

(15) The administrator of an adult or pediatric trauma 336  
center, appointed from among three persons nominated by ~~OHA~~ the 337  
Ohio hospital association for hospitals and health systems, 338

three persons nominated by the Ohio osteopathic association, 339  
three persons nominated by the association of Ohio children's 340  
hospitals, and three persons nominated by the health forum of 341  
Ohio; 342

(16) The administrator of a hospital that is not a trauma 343  
center and actively provides emergency care to adult or 344  
pediatric trauma patients, appointed from among three persons 345  
nominated by ~~OHA: the Ohio hospital association for hospitals~~ 346  
~~and health systems~~, three persons nominated by the Ohio 347  
osteopathic association, three persons nominated by the 348  
association of Ohio children's hospitals, and three persons 349  
nominated by the health forum of Ohio; 350

(17) The operator of an ambulance company that actively 351  
provides trauma care to emergency patients, appointed from among 352  
three persons nominated by the Ohio ambulance association; 353

(18) The chief of a fire department that actively provides 354  
trauma care to emergency patients, appointed from among three 355  
persons nominated by the Ohio fire chiefs' association; 356

(19) An EMT or paramedic who is certified under this 357  
chapter and actively provides trauma care to emergency patients, 358  
appointed from among three persons nominated by the Ohio 359  
association of professional firefighters, three persons 360  
nominated by the northern Ohio fire fighters, three persons 361  
nominated by the Ohio state firefighters' association, and three 362  
persons nominated by the Ohio association of emergency medical 363  
services; 364

(20) A person who actively advocates for trauma victims, 365  
appointed from three persons nominated by the Ohio brain injury 366  
association ~~and three persons nominated by the governor's~~ 367

~~council on people with disabilities;~~ 368

(21) A physician or nurse who has substantial 369  
administrative responsibility for trauma care provided in or by 370  
an adult or pediatric trauma center, appointed from among three 371  
persons nominated by ~~OHA: the Ohio hospital association for~~ 372  
~~hospitals and health systems,~~ three persons nominated by the 373  
Ohio osteopathic association, three persons nominated by the 374  
association of Ohio children's hospitals, and three persons 375  
nominated by the health forum of Ohio; 376

(22) Three representatives of hospitals that are not 377  
trauma centers and actively provide emergency care to trauma 378  
patients, appointed from among three persons nominated by ~~OHA:~~ 379  
~~the Ohio hospital association for hospitals and health systems,~~ 380  
three persons nominated by the Ohio osteopathic association, 381  
three persons nominated by the association of Ohio children's 382  
hospitals, and three persons nominated by the health forum of 383  
Ohio. The representatives may be hospital administrators, 384  
physicians, nurses, or other clinical professionals. 385

Members of the committee shall have substantial experience 386  
in the categories they represent, shall be residents of this 387  
state, and may be members of the state board of emergency 388  
medical, fire, and transportation services. In appointing 389  
members of the committee, the director shall attempt to include 390  
members representing urban and rural areas, various geographical 391  
areas of the state, and various schools of training. The 392  
director shall not appoint to the committee more than one member 393  
who is employed by or practices at the same hospital, health 394  
system, or emergency medical service organization. 395

The director may refuse to appoint any of the persons 396  
nominated by an organization or organizations under this 397

division. In that event, the organization or organizations shall 398  
continue to nominate the required number of persons until the 399  
director appoints to the committee one or more of the persons 400  
nominated by the organization or organizations. 401

Initial appointments to the committee shall be made by the 402  
director not later than ninety days after November 3, 2000. 403  
Members of the committee shall serve at the pleasure of the 404  
director, except that any member of the committee who ceases to 405  
be qualified for the position to which the member was appointed 406  
shall cease to be a member of the committee. Vacancies on the 407  
committee shall be filled in the same manner as original 408  
appointments. 409

The members of the committee shall serve without 410  
compensation but shall be reimbursed for actual and necessary 411  
expenses incurred in carrying out duties as members of the 412  
committee. 413

The committee shall select a chairperson and vice- 414  
chairperson from among its members. A majority of all members of 415  
the committee shall constitute a quorum. No action shall be 416  
taken without the concurrence of a majority of all members of 417  
the committee. The committee shall meet at the call of the 418  
chair, upon written request of five members of the committee, 419  
and at the direction of the state board of emergency medical, 420  
fire, and transportation services. The committee shall not meet 421  
at times or locations that conflict with meetings of the board. 422  
The executive director and medical director of the state board 423  
of emergency medical, fire, and transportation services may 424  
participate in any meeting of the committee and shall do so at 425  
the request of the committee. 426

The committee shall advise and assist the state board of 427

emergency medical, fire, and transportation services in matters 428  
related to adult and pediatric trauma care and the establishment 429  
and operation of the state trauma registry. In matters relating 430  
to the state trauma registry, the board and the committee shall 431  
consult with trauma registrars from adult and pediatric trauma 432  
centers in the state. The committee may appoint a subcommittee 433  
to advise and assist with the trauma registry. The subcommittee 434  
may include persons with expertise relevant to the trauma 435  
registry who are not members of the board or committee. 436

(C) (1) The medical transportation committee of the state 437  
board of emergency medical, fire, and transportation services is 438  
hereby created. The committee shall consist of members appointed 439  
by the board in accordance with rules adopted by the board. In 440  
appointing members of the committee, the board shall attempt to 441  
include members representing urban and rural areas and various 442  
geographical areas of the state, and shall ensure the members 443  
have substantial experience in the transportation of patients, 444  
including addressing the unique issues of mobile intensive care 445  
and air medical services. The members of the committee shall be 446  
residents of this state and may be members of the board. The 447  
members of the committee shall serve without compensation but 448  
shall be reimbursed for actual and necessary expenses incurred 449  
in carrying out duties as members of the committee. The 450  
committee shall select a chairperson and vice-chairperson from 451  
among its members. A majority of all members of the committee 452  
shall constitute a quorum. No action shall be taken without the 453  
concurrence of a majority of all members of the committee. The 454  
committee shall meet at the call of the chair and at the 455  
direction of the board. The committee shall not meet at times or 456  
locations that conflict with meetings of the board. The 457  
committee shall advise and assist the board in matters related 458

to the licensing of nonemergency medical service, emergency 459  
medical service, and air medical service organizations in this 460  
state. 461

(2) There is hereby created the critical care subcommittee 462  
of the medical transportation committee. The membership of the 463  
subcommittee and the conduct of the subcommittee's business 464  
shall conform to rules adopted by the board. The subcommittee 465  
shall advise and assist the committee and board in matters 466  
relating to mobile intensive care and air medical service 467  
organizations in this state. 468

(D) The state board of emergency medical, fire, and 469  
transportation services may appoint other committees and 470  
subcommittees as it considers necessary. 471

(E) The state board of emergency medical, fire, and 472  
transportation services, and any of its committees or 473  
subcommittees, may request assistance from any state agency. The 474  
board and its committees and subcommittees may permit persons 475  
who are not members of those bodies to participate in 476  
deliberations of those bodies, but no person who is not a member 477  
of the board shall vote on the board and no person who is not a 478  
member of a committee created under division (A), (B), or (C) of 479  
this section shall vote on that committee. 480

(F) Sections 101.82 to 101.87 of the Revised Code do not 481  
apply to the committees established under divisions (A), (B), 482  
and (C) of this section. 483

**Section 2.** That existing sections 3304.22, 4141.04, and 484  
4765.04 and sections 3303.41, 3304.12, 3304.13, 3304.14, and 485  
3304.25 of the Revised Code are hereby repealed. 486

**Section 3.** Notwithstanding the repeal by this act of 487

sections 3304.12, 3304.13, and 3304.14 of the Revised Code, the 488  
Opportunities for Ohioans with Disabilities Commission that 489  
existed prior to the effective date of this act shall continue 490  
to perform its duties, as provided in those sections, until the 491  
Governor's appointment of all of the initial members of the 492  
Opportunities for Ohioans with Disabilities Council created by 493  
this act. In addition to those members, each member of the 494  
former Commission shall serve on the Council created by this act 495  
for the remaining period of the member's term, unless earlier 496  
removed by the Governor for good cause. While serving on the 497  
Council, each member of the former Commission shall be 498  
reimbursed for travel and necessary expenses incurred in the 499  
conduct of the member's duties and shall receive an amount fixed 500  
pursuant to division (J) of section 124.15 of the Revised Code 501  
while actually engaged in attendance at meetings or the 502  
performance of those duties. A member of the former Commission 503  
shall not be reappointed to the Council. 504